

REMARKS

The interview with Examiner Pratt is acknowledged. The pending claims are claims 70, 85-86, 88-97 and 99-109. A full set of the claims is attached, with what applicant understands is the correct claim numbering.

A Declaration under 35 USC § 1.132 by Harold Mantius, one of the inventors, is attached. (A signature copy will follow shortly.)

The independent claims are claims 70 and 97. These claims are directed to blended juices. Claim 70 recites blended juice including at least two components, a cranberry juice component and a component selected from another juice, water, sweetener or acid. Claim 97 is directed to a blended juice that has at least three components. These are a cranberry juice component, another juice, and sweetener. In both claims 70 and 97, the cranberry juice component has a juice anthocyanin level of about 10 mg/100 ml or less. The amendments made above clarify that the anthocyanin content recited is that of the cranberry juice component, not of the final blend. The amendments also indicate that the juice component with low anthocyanin content is the sole component from cranberries in the blend. As discussed in applicant's specification and in the attached declaration, anthocyanin in cranberries is largely responsible for the deep red color normally associated with cranberry products. The low anthocyanin content juice component of the claims facilitates blended juice products with a color other than red.

Prior to this amendment, claims 70 and 97 were rejected as obvious in view of a single reference, Chiriboga et al. Applicants traverse.

The claims as now amended recite blended juices in which a cranberry juice component having an anthocyanin content of about 10 mg/100 ml is the sole component from cranberries in the blend. Chiriboga on the other hand, describes cranberry juice cocktail (CJC), which is a blend of press juice from "pale" and "dark" cranberries and adds crude cranberry pigment to enhance red color. As a result, Chiriboga does not teach a blended juice in which a cranberry juice component having an anthocyanin content of less than 10 mg/100 ml in the sole component from cranberries, as now claimed. Nor could Chiriboga suggest the inventions as now claimed because Chiriboga is clearly directed to enhancing the characteristic red color of CJC.

Prior to this amendment and at the interview, the examiner pointed to Table 1 of Chiriboga as illustrating anthocyanin contents of less than 10 mg/100 ml. Applicants submit that

this issue is moot in view of the remarks above. In any case, applicants note that Table 1 reports the anthocyanin content of experimental cranberry juice cocktails (CJC), not a juice component in the CJC. This is clearly stated in the figure legend for Table 1 and also discussed in the attached Declaration from inventor Mantius. While Chiriboga uses the terms "light" and "pale," the anthocyanin content of the "pale" berries from which Chiriboga's "light" juice was pressed is not specifically reported and, as discussed in the Mantius Declaration, cannot be reliably calculated from the information provided by Chiriboga. In any case, applicants submit that regardless of the anthocyanin content of the "light" press juice, the Chiriboga article does no more than exemplify a conventional approach of blending berries or juice to achieve a characteristic red color. It could not suggest using a low color juice component as the sole cranberry component in a blended juice.

Nor could Chiriboga suggest blended juice products including the low color cranberry juice component and a different fruit juice (claim 97). Chiriboga only describes formulating CJC's, for which the only juices are cranberry juices.

Also enclosed is a copy of Form PTO 1449 listing the references filed with the information disclosure statement mailed February 25, 2002. As requested by the examiner, the form has been amended to include the pages of the cited references. (The note in the prior office action that the patents listed on the Form PTO 1449 were not in the English language does not apply.) Return of the initialed form is requested.

Attached is a marked-up version of the changes being made by the current amendment.

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Allowance is requested.

Enclosed is a \$400 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Version with markings to show changes made

In the claims:

Claims 87 and 98 have been cancelled without prejudice.

Claims 70, 97, 99, 100, and 102-108 have been amended as follows:

70. (Amended) A cranberry food product comprising a blended juice, including:  
a cranberry juice component [derived from cranberries] that has a juice  
anthocyanin content of about 10 mg/100ml or less and  
a component selected from another juice component, water, sweetener or acid,  
wherein the juice component derived from cranberries having said anthocyanin  
content is the sole component from cranberries in the blend.

97. (Amended) A cranberry food product comprising a blended juice, including:  
a cranberry juice component [derived from cranberries] that has a juice  
anthocyanin content of about 10 mg/100 ml or less,  
another juice component, and  
a sweetener,  
wherein the juice component derived from cranberries having said anthocyanin  
content is the sole component from cranberries in the blend.

99. (Amended) The food product of claim [98] 97 wherein the sweetener is sucrose.

100. (Amended) The food product of claim [98] 97 including added acid.

102. (Amended) The food product of claim [98] 97 including added water.

103. (Amended) The food product of claim [98] 97 wherein said juice component  
derived from cranberries is about 2 to 35% of the blended juice.

104. (Amended) The food product of claim [98] 97 wherein the blended juice has an absorbance of 515 nm light of about 0.5 or less.

105. (Amended) The food product of any one of claims [97 to 104] 97 or 99-104 wherein the juice component derived from cranberries has an anthocyanin content of about 8 mg/100 ml or less.

106. (Amended) The food product of any one of claims [97 to 104] 97 or 99-104 wherein the juice component derived from cranberries has an anthocyanin content of about 3.5 mg/100 ml or less.

107. (Amended) The food product of any one of claims 70, 85-86, [or 98-104] 97 or 99-104 wherein the blended juice has a color [determined] that is substantially [by] the color of said cranberry juice component.

108. (Amended) The food product of any one of claims 70, 85-86 or [98-104] 99-104 wherein the blended juice food product has an anthocyanin content of about 1.6 mg/100 ml or less and a color determined substantially by the cranberry juice component.